

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

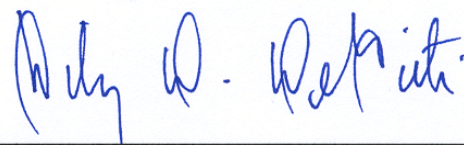
AARON LANCE LEITH,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-12-424-D
)	
STATE OF OKLAHOMA, <i>et al.</i> ,)	
)	
Respondents.)	

ORDER OF DISMISSAL

This matter comes before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Bana Roberts on May 15, 2012, pursuant to 28 U.S.C. § 636(b)(1)(B)-(C), which recommends upon initial screening that the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus be dismissed without prejudice for lack of exhaustion of state court remedies. A review of the case file reveals that Petitioner has not filed a timely written objection to the Report, even though he was specifically advised of his right to object, the deadline for any objection, and the consequences of failing to object. The Court therefore finds that Petitioner has waived further review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). For this reason, and because Judge Roberts' analysis is correct, the Court concurs in the recommendation for dismissal.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 8] is adopted. The Petition [Doc. No. 1] is DISMISSED without prejudice to refile.

IT IS SO ORDERED this 14th day of June, 2012.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE